

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

LINDA MCMAHON, IN HER CAPACITY
AS ADMINISTRATOR OF THE
UNITED STATES SMALL BUSINESS
ADMINISTRATION,

PLAINTIFF,

v.

CIVIL ACTION NO. 1:19-cv-34-HSO-JCG

JACQUELINE ZAR,

DEFENDANT.

COMPLAINT FOR EJECTMENT

Comes now, Linda McMahon, in her capacity as Administrator of the United States Small Business Administration (SBA), an agency of the United States of America, and files this Complaint for Ejectment against Defendant Jacqueline Zar, and in support thereof shows the Court the following:

PARTIES

1. SBA is an agency of the United States of America. SBA “aids, counsels, assists, and protects the interests of small business concerns, and advocates on their behalf within the Government. It also helps victims of disasters. It provides financial assistance, contractual assistance, and business development assistance.” 13 C.F.R. § 101.100.
2. Jacqueline Zar is an adult resident of Hancock County, Mississippi, and may be served with the process of this Court at 125 Tarpon Drive, Bay Saint Louis, Mississippi 39520.

JURISDICTION AND VENUE

3. This is an action for ejectment seeking to remove Zar as the occupant of real property owned by SBA. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1345.

4. Venue is proper in this Court because the real property subject to this action is located in Hancock County, Mississippi.

FACTS

5. “SBA offers low interest, fixed rate loans to disaster victims, enabling them to repair or replace property damaged or destroyed in declared disasters.” 13 C.F.R. § 123.2.
6. On or about April 4, 2006, SBA extended a disaster loan to Jacqueline Zar and Calvin Zar (the Zars).
7. Upon information and belief, Calvin Zar is now deceased.
8. In exchange for the disaster loan funds, the Zars executed a promissory note on April 5, 2006, in favor of SBA in the original principal amount of \$124,700.00 (the Note).
9. A true and correct copy of the Note is attached hereto as Exhibit “A”.
10. To secure the Note, the Zars pledged certain real property identified as 125 Tarpon Drive, Bay St. Louis, MS (the Property) as collateral and executed a Deed of Trust in favor of SBA, dated April 27, 2006, and recorded on May 11, 2006, in Deed Book 2006, Page 20604, Hancock County, Mississippi records (the Deed of Trust).
11. A true and correct copy of the Deed of Trust is attached hereto as Exhibit “B”.
12. Pursuant to the terms of the Note, the Zars promised to repay SBA all principal, interest, and other amounts required by the Note.
13. The Zars defaulted on their obligations to SBA, and according to the terms of the Deed of Trust, SBA notified the Substituted Trustee to foreclose the Deed of Trust. After timely notice, the Substituted Trustee offered the Property for public sale on May 11, 2017.

14. SBA was the highest bidder at the public sale and acquired title to the Property from the Substituted Trustee by virtue of that certain Substituted Trustee's Deed, dated May 11, 2017, and recorded May 18, 2017, in Deed Book 2017, Page 5330, Hancock County, Mississippi records.
15. A true and correct copy of the Substituted Trustee's Deed is attached hereto as Exhibit "C".
16. The Property conveyed by the Substituted Trustee's Deed is more particularly described as follows:

Lot Nine (9), Square Thirty-four (34), Shoreline Estates Subdivision, Unit 6, a subdivision according to the official map or plat thereof on file and of record in the Office of the Chancery Clerk of Hancock County, Mississippi in Plat Book 3 at Page 33 thereof, reference to which is hereby made in aid of and as a part of this description. More commonly known as 125 Tarpon Drive, Bay Saint Louis, MS 39520.
17. The above-described foreclosure sale was in its entirety legal and proper.
18. All of the Zars' rights to own and possess the Property ended upon the conclusion of the foreclosure sale.
19. Jacqueline Zar is claiming an ownership interest in the Property. After demands to vacate the premises, Jacqueline Zar continues to unlawfully withhold possession of the Property from SBA.

WHEREFORE, Plaintiff respectfully requests that the Court enter a judgment against Defendant Jacqueline Zar, which:

- a) awards possession of the Property described in paragraph 16 above to the United States Small Business Administration;

- b) issues a Writ of Assistance authorizing and directing the United States Marshal to remove Jacqueline Zar and her possessions from the property;
- c) awards Plaintiff the costs of this action; and
- d) grants Plaintiff such other and further relief the Court deems appropriate.

Date: January 31, 2019

Respectfully submitted,

LINDA MCMAHON
Administrator of the United States Small
Business Association

By Her Attorneys:

D. MICHAEL HURST, JR.
United States Attorney

s/ J. Wesley Webb

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